IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO: 11459 of 2004**

Between:

Dadisetti Suryarao S/o.Somulu
R/o.M.Ravilanka (V) Devipatnam (M) E.G.District

**..... PETITIONER**

AND

1 The Addl.Agent to the Govt., E.G.District at Rampachodavaram
2 The Special Deputy Collector (Tribal Welfare), Rampachodavarm

E.G. District
3 The Mandal Revenue Officer Devipatnam (M) E.G. District.
4 The Special Deputy Tahsildar (Tribal Welfare) Devipatnam

E.G. District.
5 Smt.Poloju Laxmi W/o. Satyanarayana
R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.
6 Annika Chinna Ramana s/o. Abdulu
R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.
7 Poloju Chakra Rao S/o. Satyanarayana
R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.
8 Manga Venkanna S/o.Papaiah
R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.
9 Annika Ramana S/o. Laxmaiah
R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.
10 Rampa Nookaraju S/o. Subbanna
R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.
11 Manga Pullarao S/o. Papaiah

R/o. M.Ravilanka (V) Devipatnam Mandal E.G. District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to4 in dispossessing the petitioner from the land to an extent of Ac 6.55 cents in Sy.No.80 of M.Ravilanka (V) Devipatnam (M) E.G. District in pursuance of the order in LTRP No.300/2002 Dt.17.9.2003 on the file of the 2nd respondent and the consequential order of the 3rd respondent in Ref/F/143/2004 dt.29.5.2004 distributing the land to the respondents 5 to 11 as illegal, arbitrary and unjust and set aside the same in the interest of justice.

**Counsel for the Petitioner: MR.K.VENKATESH**

**Counsel for the Respondent Nos.1 to 4: GP FOR SOCIAL WELFARE**

**Counsel for the Respondent Nos.5 to 11: MR.K.BALA GOPAL**

**The Court at the admission stage made the following:**

**HONOURABLE DR. JUSTICE G.YETHIRAJULU**

WRIT PETITION NO.11459 OF 2004

**ORDER:**

The petitioner is a non-tribal. He was in possession of Ac.6.55 cents of land in a scheduled area. The Special Deputy Collector, (Tribal Welfare), Rampachodavaram, i.e., second respondent passed an order on 17-09-2003 declaring that the petitioner is an encroacher and he shall be evicted from the said land.

**2.** The petitioner being aggrieved by the said order preferred an appeal before the first respondent and the appeal is said to be pending.

**3 .** In pursuance of the order of the second respondent, the third respondent evicted the petitioner from the land by taking possession of the same and distributed the said land to poor tribals on 29-05-2004.

**4.** The petitioner, being aggrieved by the order of distribution of the land passed by the third respondent on 29-05-2004 in pursuance of the order of the second respondent dated 17-09-2003, approached this Court to declare that the actions of respondents 2 and 3 are illegal, arbitrary and injustice, and to set

aside the order dated 29-05-2004.

**5.** The order of the second respondent discloses that the petitioner did not attend for the enquiry for about 16 adjournments and later the second respondent passed an *ex parte* decree holding that the petitioner is an encroacher.

**6.** The learned counsel for the unofficial respondents 5 to 11 submitted that the land was delivered to those respondents in May, 2004, and after three months, the petitioner approached this Court seeking to quash the order of the third respondent dated 29-05-2004.

**7.** Since the respondents 5 to 11 are in possession and enjoyment of the land by raising crops, it is not desirable to dispossess them at this stage, and if the appeal is disposed of in favour of the petitioner, he may take necessary steps for the resumption of the land.

**8.** In the light of the above circumstances, the first respondent is directed to dispose of the appeal of the petitioner on merits within a period of two months from the date of receipt of a copy of this order.

**9.** The Writ Petition is accordingly disposed of. No order as to costs.

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Dr. G.YETHIRAJULU, J

19th August, 2004

SKM

TO

1 The Addl.Agent to the Govt., E.G.District at Rampachodavaram
2 The Special Deputy Collector (Tribal Welfare), Rampachodavarm

E.G. District
3 The Mandal Revenue Officer Devipatnam (M) E.G. District.
4 The Special Deputy Tahsildar (Tribal Welfare) Devipatnam

E.G.District.

5 Two C.Cs. to G.P. for Social Welfare, High Court Buildings,

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